

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA,)	
DEPARTMENT OF ENVIRONMENTAL)	
PROTECTION, STATE OF CONNECTICUT,)	2:05-cv-885
STATE OF MARYLAND, STATE OF NEW)	
JERSEY and STATE OF NEW YORK,)	
)	
Plaintiffs,)	
)	
v.)	
)	
ALLEGHENY ENERGY INC., ALLEGHENY)	
ENERGY SERVICE CORPORATION,)	
ALLEGHENY ENERGY SUPPLY)	
COMPANY, LLC, MONONGAHELA)	
POWER COMPANY, THE POTOMAC)	
EDISON COMPANY and WEST PENN)	
POWER COMPANY,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 21st day of November, 2005, after the Plaintiffs filed the above captioned action, and after Defendants moved to stay this proceeding until a prior pending action between a number of the same parties is completed or until a pending motion to dismiss in the prior action is decided, and after a Report and Recommendation was issued by United States Magistrate Judge Robert C. Mitchell, and the parties were granted ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the Defendants which the Court finds to be without merit, and after independent review of the pleadings, and the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

It is **ORDERED** that the Defendants' motion to stay proceeding until a prior pending action between several of the parties is completed or until a pending motion to dismiss in the prior action is decided (Document No. 13) is **DENIED**.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

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Honorable Robert C. Mitchell
United States Magistrate Judge